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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1395th MEETING

Held at Headquarters, New York,
on Thursday, 15 August 1991, at 10 a.m.

Chairman: Mr. ALARCON de QUESADA (Cuba)
(Vice-Chairman)

- Question of Western Sahara (continued)

- Special Committee decision of 15 August 1990 concerning Puerto Rico

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In the absence of the Chairman, Mr. Alarcon de Quesada (Cuba), Vice-Chairman, took the Chair.

The meeting was called to order at 11.05 a.m.

QUESTION OF WESTERN SAHARA (A/AC.109/1082) (continued)

The CHAIRMAN (interpretation from Spanish): Does any member wish to speak on this item at this stage? Since that does not appear to be the case, may I take it that, subject to any directives which the General Assembly might give in that connection at its forthcoming session, and in order to facilitate the Fourth Committee's consideration of the question, the Committee decides to trasmit to the Assembly all the relevant documentation?

It was so decided.

SPECIAL COMMITTEE DECISION OF 15 AUGUST 1990 CONCERNING PUERTO RICO (A/AC.109/L.1768; L.1769/Rev.1) (continued)

The CHAIRMAN (interpretation from Spanish): In connection with this item, the Committee has before it draft resolution A/AC.109/L.1769/Rev.1.

Mr. ARRIA (Venezuela) (interpretation from Spanish): I should like to draw members' attention to the Spanish and English versions of the draft resolution, and to note two linguistic changes for the consideration of the Committee. First, as the phrase "thereby reaffirming the Latin American identity of Puerto Rico", at the end of the seventh preambular paragraph, was rather superfluous, Venezuela believed that it should be removed. Second, in operative paragraph 2 of the Spanish version, Venezuela would like to replace the phrase "Exhorta al Congreso" with the phrase "Confía que el Congreso". The English version should read "Trusts that" instead of "Urges". The rest would remain unchanged. While these revisions would not change the spirit or the content of the draft resolution in any way, they would align the two texts.

The CHAIRMAN (interpretation from Spanish): I am sure that all members have taken note of these revisions to the text of the draft resolution. If no member wishes to comment at this stage, the Committee will proceed to take a decision on the draft resolution contained in document A/AC.109/L.1769/Rev.1, as just orally revised by the Permanent Representative of Venezuela.

I shall first call on those representatives who wish to explain their vote before the voting.

Mr. LEHNE (Norway): It has been my Government's consistent position that it is inappropriate for this body to consider the question of Puerto Rico. Our position is based on the fact that the General Assembly itself, in resolution 748 (VIII), determined that the people of Puerto Rico had effectively exercised the right to self-determination. In its decision, the General Assembly removed Puerto Rico from the category of Non-Self-Governing Territories. The draft resolution before us deals with Puerto Rico as a Non-Self-Governing Territory, and that is in contradiction with General

(Mr. Lehne, Norway)

Assembly decisions. I should also like to recall that the General Assembly previously rejected a proposal by Cuba to include the question of Puerto Rico on its agenda. My delegation will therefore vote against the draft resolution.

Mr. SLABY (Czechoslovakia): The draft resolution contained in document A/AC.109/L.1769/Rev.1, as orally revised, deals with Puerto Rico as a Non-Self-Governing Territory. The position of Czechoslovakia on the question of Puerto Rico stems from the fact that the General Assembly, in its resolution 748 (VIII), determined that the people of Puerto Rico had effectively exercised the right to self-determination and that, consequently, the General Assembly itself removed Puerto Rico from the list of Non-Self-Governing Territories. That is why we believe it is inappropriate for the Special Committee to consider the question of Puerto Rico. Moreover, my delegation has reservations concerning the wording of some provisions. It will therefore abstain in the vote on the draft resolution.

Mr. EAFEARE (Papua New Guinea): I have asked to speak on behalf of Papua New Guinea to explain that we shall not be participating in the vote, because we feel that it would do injustice to the work that has been done on the draft resolution. Also, we are aware of the fact that procedures exist between the United States and Puerto Rico. We would like to study the situation regarding Puerto Rico more closely because of legal and constitutional sensitivity relating to the issue of Puerto Rico. We have therefore decided not to participate at this time in the decision on the draft resolution.

The CHAIRMAN (interpretation from Spanish): As no other delegation wishes to explain its vote before the voting, the Committee will now take a decision on the draft resolution, as orally revised.

A roll-call vote has been requested. In this connection, I wish to draw members' attention to the relevant rule of the rules of procedure of the General Assembly, as follows:

"The roll-call shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is drawn by lot by the President. The name of each member shall be called in any roll-call, and one of its representatives shall reply 'yes', 'no' or 'abstention'. The result of the voting shall be inserted in the record in the English alphabetical order of the names of the members."

A roll-call vote was taken.

Afghanistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Chile, Cuba, Islamic Republic of Iran, Iraq, Syrian Arab Republic, Trinidad and Tobago, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela

Against: Norway

Abstaining: Afghanistan, Bulgaria, Côte d'Ivoire, Czechoslovakia, Fiji, India, Indonesia, Mali, Tunisia, Yugoslavia

Draft resolution A/AC.109/L.1769/Rev.1, as orally revised, was adopted by 9 votes to 1, with 10 abstentions.*

The CHAIRMAN (interpretation from Spanish): I call on the representative of Chile in explanation of vote after the voting.

Mr. FIOL (Chile) (interpretation from Spanish): The delegation of Chile voted in favour of draft resolution A/AC.109/L.1769/Rev.1, as orally revised, on Puerto Rico submitted by the delegation of Venezuela for the Special Committee's consideration and we wish to explain our vote.

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* During the course of the roll-call vote, the following members announced that they were not participating: China, Congo, Ethiopia, Papua New Guinea.

(Mr. Fiol, Chile)

The delegation of Chile wishes to draw particular attention to the fourth preambular paragraph, which states:

"the agreement of the Puerto Rican political leadership to request the President of the United States of America and the United States Congress to adopt legislation with a view to consulting the people of Puerto Rico so that they may express themselves freely, voluntarily, democratically and without interference on their political future".

This political consensus on the part of the Puerto Rican people is the principal reason for the United Nations to take an interest in the matter.

At the same time the delegation of Chile wishes to reaffirm that the reference made in the draft resolution to General Assembly resolution 1514 (XV) and its applicability to the case of Puerto Rico does not constitute a valid legal argument with regard to the situation. To recognize that argument would be to disregard resolution 748 (VIII), adopted in 1953, in which, among other things, the General Assembly recognized that, when choosing their constitutional and international status, the people of Puerto Rico had effectively exercised their right to self-determination.

Lastly, the delegation of Chile takes the view that substantive decisions to be taken concerning the constitutional question of Puerto Rico are within the exclusive competence of the United States Congress.

The CHAIRMAN (interpretation from Spanish): As no other representative wishes to explain his delegation's vote, I shall now do so in my capacity as the representative of Cuba.

The delegation of Cuba voted in favour of the draft resolution submitted by the delegation of Venezuela, acting consistently with the position we have always maintained in favour of the exercise by the people of Puerto Rico of

(The Chairman)

its inalienable right to self-determination and independence. This is a position we have maintained and will continue to maintain unswervingly. In our view, it reflects what clearly establishes international legality and, in particular, the Declaration contained in General Assembly resolution 1514 (XV); it also reflects the fundamental aspiration of the Puerto Rican nation as a whole, which has expressed itself very clearly, allowing for diverse points of view, to the effect that this is a colonial situation which the vast majority of the Puerto Rican people wishes to end.

I believe that the testimony heard by the Committee from a wide range of petitioners representing diverse political positions in the Territory has made clear that there is a broad national consensus favouring a change in the current situation and finally enabling the Puerto Rican people to exercise a right to which it is entitled as much as any other people under foreign domination. Moreover, as confirmed in the resolution we have just adopted, the fact that the United States Administration, through its President, has itself called on Congress to adopt legislation that would permit the people of Puerto Rico to exercise its right to self-determination, implies recognition of that right's not having been exercised and reverses the long-standing United States position to end consideration of this case by this Committee.

(The Chairman)

We reaffirm our support for the just struggle of the Puerto Rican people for its independence and confirm our total support for the resolution we have adopted. As a Caribbean and Latin American country, Cuba expresses its gratitude to the Government and the delegation of Venezuela for the important initiative they took this year by enabling the Committee to adopt a resolution that not only reflected the majority view of the Puerto Rican people but also enabled those of us on the Committee from Latin American and Caribbean countries to come together for the first time and endorse a text reflecting an aspiration shared by all Latin America and the Caribbean - to bring closer the day when the Puerto Rican people and nation may be reintegrated into the great common homeland that is theirs and ours: our America.

I now resume my capacity as Chairman and, there being no further speakers, I declare that the Committee has thus concluded its consideration of this item.

The meeting rose at 11.05 a.m.